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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF SANTA CLARA  
11

12 THE PEOPLE OF THE STATE OF  
CALIFORNIA *ex rel.* SAN JOSE POLICE  
13 OFFICERS' ASSOCIATION,

14 *Plaintiff,*

15 v.

16 CITY OF SAN JOSE, and CITY COUNCIL  
OF SAN JOSE,

17 *Defendants.*  
18

Case No. 1-13-CV-245503

**DECLARATION OF PAUL KELLY IN SUPPORT  
OF SAN JOSE POLICE OFFICERS'  
ASSOCIATION'S OPPOSITION TO  
APPLICATION TO INTERVENE**

Date: April 5, 2016  
Time: 9:00 a.m.  
Dept.: 7  
Judge: Hon. Beth McGowen

19  
20 I, Paul Kelly, declare and say in support of SJPOA's Opposition to Application to  
21 Intervene:

22 1. I am a sergeant with the San Jose Police Department ("SJPD"). I joined SJPD in  
23 1994. I have served in the Violent Crime Enforcement Team (Gang Unit), Night Detective  
24 Homicide, Homicide Investigations Unit, Threat Management Unit and the Field Training Unit. I  
25 was elected president of the San Jose Police Officers' Association ("SJPOA") in January 2015. I  
26 have personal knowledge of the facts set forth herein and, if called upon as a witness, I could and  
27 would testify competently as to them.

28 //

1           2. SJPOA strongly supports the Settlement Framework and the settlement of this *quo*  
2 *warranto* action. Like Chief of Police Edgardo Garcia, I believe that without an end to the  
3 uncertainty Measure B has created, the Department will continue to struggle to recruit new police  
4 officers, which will continue to undermine the safety of residents and the existing police officers.

5           3. I have reviewed the declaration of Chief Garcia, particularly where his discusses  
6 the effect of reduced staffing on SJPD. On Thursday, March 10, 2016, Chief Garcia announced  
7 that he would implement a mandatory overtime agreement. The agreement was negotiated last  
8 summer between SJPD and the POA with the understanding that it would be invoked only when  
9 staffing levels dropped to the point where the department could no longer meet its staffing needs  
10 through regularly-scheduled staffing and voluntary overtime. The agreement requires that police  
11 officers work additional mandatory overtime shifts each month over and above the voluntary  
12 overtime shifts they typically work. SJPOA agreed to the provision to balance the ever-increasing  
13 demand for service from the community with officer safety. If officers work too many hours and  
14 are tired, it presents serious safety concerns.

15           4. As Chief Garcia explains, as of March 7, 2016, SJPD had approximately 252 10-  
16 hour overtime shifts every week that had to be filled just to meet current minimum staffing needs.  
17 These statistics do not include overtime that occurs unexpectedly, on a daily basis, based on high  
18 profile events or unanticipated calls for service, report writing, etc. Most officers are working  
19 somewhere between 20 and 40 hours of overtime each week.

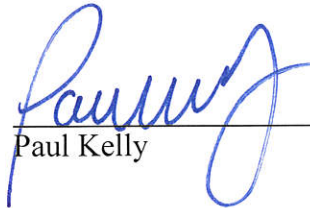
20           5. The low staffing has impacted time off. I am aware of officers who sleep in their  
21 personal vehicles between the end of the regular shift and the start, perhaps two or three hours  
22 later, of an overtime shift.

23           6. Other officers are being subject to mandatory holdover. This occurs when an  
24 officer is scheduled to finish his or her shift but, because there are not enough officers to fill the  
25 next shift (because of emergencies or officers calling in sick), is required to work longer to ensure  
26 that there are enough officers filling the next shift.

27           7. Even though this extra overtime is allowing officers to make more money, they are  
28 doing so at a great price to their family lives and stress levels. Many are missing family events

1 and suffering disconnect with their families. The Settlement Framework is the light at the end of  
2 the tunnel.

3 I declare under the penalty of perjury under the laws of the State of California that the  
4 foregoing is true and correct, and that this declaration was executed on March 23, 2016 at San  
5 Jose, California.

6  
7   
8 Paul Kelly